

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

September 25, 2002

GSBCA 15779-TRAV

In the Matter of BRIAN E. O'CONNELL

Brian E. O'Connell, Alameda, CA, Claimant.

Capt. William H. Allen, Chief of Staff, Joint Interagency Task Force West, Department of the Navy, Alameda, CA, appearing for Department of Defense.

PARKER, Board Judge.

Background

Brian E. O'Connell, Controller of the Department of Defense's Joint Interagency Task Force West (JITFW) in Alameda, California, was on leave the week of September 10, 2001, attending his father's funeral in Montreal, Canada. Although he was scheduled to return to work on September 17, as a result of the events of September 11, Mr. O'Connell was unable to obtain a flight home on the scheduled date, and was told that none would be available until about September 23.

Because Mr. O'Connell felt that, as JITFW's controller, his presence at work for end-of-fiscal-year activities was essential, he took it upon himself to return home on September 17. On that day, Mr. O'Connell was able to take a flight from Montreal to Vancouver, Canada. He then rented a car and drove from Vancouver to the Alameda area, staying one night in Seattle, Washington, on the way. Mr. O'Connell was not officially recalled by his command, and had no travel orders for his return trip.

Upon his return, Mr. O'Connell claimed reimbursement for the costs of the rental car and for his overnight stay in Seattle. Although recognizing Mr. O'Connell's exceptional devotion to duty, JITFW denied the claim on the basis that Mr. O'Connell was returning home from personal leave, and was not on official travel.

Discussion

The Federal Travel Regulation (FTR), which governs travel and relocation matters for civilian employees of the Government, sets forth the basic requirements for official travel:

§ 301-2.1 Must I have authorization to travel?

Yes, generally you must have written or electronic authorization prior to incurring any travel expense. If it is not practicable or possible to obtain such authorization prior to travel, your agency may approve a specific authorization for reimbursement of travel expenses after travel is completed. . . .

§ 301-2.2 What travel expenses may my agency pay?

Your agency may pay only those expenses essential to the transaction of official business

41 CFR 301-2.1, -2.2 (2001).

Because Mr. O'Connell's travel was without authorization, the agency acted appropriately in denying reimbursement. Although there is no specific exception to the FTR requirements for matters related to the events of September 11, if JITFW believes that Mr. O'Connell's travel home to Alameda was essential to the transaction of official business, we would not object to the agency authorizing reimbursement on an after-the-fact basis, as provided for in the FTR.

ROBERT W. PARKER
Board Judge